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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,182

11/26/2003

Yong Hee Kim

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34610 7590 05/30/2007
KED & ASSOCIATES, LLP
P.O. Box 221200
Chantilly, VA 20153-1200

EXAMINER

HUSBAND, SARAH E

ART UNIT

PAPER NUMBER

1746

MAIL DATE

DELIVERY MODE

05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/721,182

Applicant(s)

KIM, YONG HEE

Examiner

Sarah E. Husband

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments see Remarks, filed 3/7/2007, with respect to the objection to the specification and claims have been fully considered and are persuasive. In light of the amendments, the objections of the specification and claims have been withdrawn.

Applicant's arguments, see Remarks, filed 3/7/2007, with respect to the 112 rejection have been fully considered and are persuasive. The 112 rejection of claims 1-14 has been withdrawn.

Applicant's arguments, see Remarks, filed 3/7/2007, with respect to the correspondence of the guide panel in Doepke and the supporter and guide panel in Austin have been fully considered and are persuasive. However, the art still applies and a clarification of the corresponding numbers is made below in the rejection. As Applicant correctly noted, in Austin the supporter (26) fixes the adjustment device to the rack and the guide panel (22) is coupled to slide on the rail (16). Therefore, the rejection stands as follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 29 is dependent on itself and it is unclear of the invention Applicant is claiming.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 15, 16 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Doepke (US Patent No. 3,726,581).

Doepke discloses the washing chamber, rack (Fig. 1), plurality of guide rollers fixed to both walls (Fig. 3, Items 25), a guide rail (23) fixed between rollers, height adjustments means (18) for moving the rack upward and downward slides on the guide rail (col. 3, see entire document). Doepke further discloses the supporter (19) and the guide panel (35) which is coupled to slide on one side of the supporter, which also guides upward and downward movement of the supporter, and first and second support parts (Fig. 5-7; Items 31, 32, 41, 42) to fix the supporter and a roller (22) fixed to the guide panel to slide along the guide rail.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin (US Patent No. 5,657,878) in view of Doepke.

Austin discloses an adjustable height dishwasher rack (12), guide rollers (18), which would be on both sides to properly raise and lower the rack evenly. Austin also discloses a guide rail (16), and a height adjustment means, which slides on the guide rail (see Fig. 2, 3). Austin also discloses a supporter (26), guide panel (22), first and second support parts (46, 44). Austin further discloses the first support part having a first (Fig. 3, Item 72) and second fixing portion (see Fig. 3, Item 46), and the second support part having a first incline portion at the guide panel (see Fig. 3, Item 44) and second incline portion (Item 74; col. 3-4). Austin further discloses a button (82, 84), and the material would have some flexibility (Fig. 3, 4). Austin also discloses hooks attaching the supporter and wires and protrusions having a hook and ribs supporting the protrusions (see Fig. 15). Although Austin does not describe the dishwasher parts being plastic, plastic material is commonly used to make dishwasher parts and one of ordinary skill could foresee their use in this dishwasher as well. Austin does not specifically disclose the guide rail between first and second rollers. However, Doepke discloses first and second supportive rollers and it would be obvious to one of ordinary skill in the art to modify Austin with the rollers shown by Doepke for the additional support.

Allowable Subject Matter

Claims 8, 9, 22 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEH



**MICHAEL BARR
SUPERVISORY PATENT EXAMINER**